

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ARTHUR J. BRAY,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 05-871
)	Judge Hardiman
SUPERINTENDENT SHANNON et al.,)	Magistrate Judge Caiazza
)	
Respondents.)	

MEMORANDUM ORDER

Arthur J. Bray Petition for Writ of Habeas Corpus was received by the Clerk of Court on June 24, 2005, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on June 8, 2006, recommended that recommended that the Petition for Writ of Habeas Corpus filed by Arthur J. Bray, III., be dismissed, without prejudice, because he has failed to exhaust his state court remedies, and that a certificate of appealability be denied.

The parties were allowed ten days from the date of service to file objections. Service was made on the Petitioner by First Class United States Mail delivered to the State Correctional Institution at Frackville, Frackville, Pennsylvania, where he is

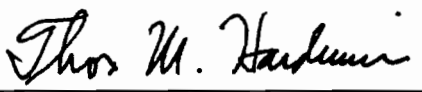
incarcerated and on the Defendant. No objections have been filed.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 5th day of July, 2006,

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus filed by Arthur J. Bray, III., is DISMISSED, without prejudice and that a certificate of appealability be denied.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 15), dated June 8, 2006, is adopted as the opinion of the court.



Thomas M. Hardiman
U.S. District Judge

Dated: July 5, 2006

cc:
ARTHUR J BRAY, III, ED-3332
SCI Frackville
1111 Altamonte Blvd
Frackville, PA 17931-2699

Christopher D. Carusone, Asst Atty Gen.